

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSFILED
IN CLERKS OFFICE

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DIRECT MARKETING CONCEPTS, INC., et al.,

Defendants.

2005 DEC 16 A 9:12

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civ. No. 04-11136-GAO

**PLAINTIFF FEDERAL TRADE COMMISSION'S MOTION FOR SUMMARY
JUDGMENT AS TO DEFENDANTS DIRECT MARKETING CONCEPTS, INC., ITV
DIRECT, INC., DONALD W. BARRETT, ROBERT MAIHOS, ALLEN STERN, KING
MEDIA, INC, AND TRIAD ML MARKETING, INC., AND RELIEF DEFENDANTS
LISA STERN, STEVEN RITCHEY, AND BP INTERNATIONAL, INC.**

Plaintiff Federal Trade Commission ("Commission") respectfully submits its Motion for Summary Judgment against all of the remaining defendants in this case. As set forth in the accompanying Memorandum and Statement of Material Facts Not in Dispute, uncontroverted evidence demonstrates: (1) that Defendants Direct Marketing Concepts, Inc., ITV Direct, Inc., Donald W. Barrett, Robert Maihos, Allen Stern, King Media, Inc, and Triad ML Marketing, Inc. violated Section Sections 5(a) and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a) and 52; and (2) that Relief Defendants Lisa Stern, Steven Ritchey, and BP International, Inc. received funds and other assets directly or indirectly from one or more of the other Defendants that are either proceeds of or are traceable to the proceeds of the unlawful acts and practices alleged herein, and to which they have no legitimate claim. Accordingly, summary judgment may be granted in favor of the Commission.

Proposed Orders and Judgments for Permanent Injunction and Other Equitable Relief are submitted herewith.



HEATHER HIPPSLEY
KIAL S. YOUNG (BBO # 633515)
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SHIRA D. MODELL
Federal Trade Commission
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Washington, DC 20580
(202) 326-3285, -3126, -3116 (voice); (202) 326-3259 (fax)
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ATTORNEYS FOR PLAINTIFF

DATE: December 14, 2005

CERTIFICATE OF SERVICE

My name is Edward Glennon and I am an attorney with Federal Trade Commission. On December 14, 2005, copies of:

(1) **PLAINTIFF FEDERAL TRADE COMMISSION'S MOTION FOR SUMMARY JUDGMENT AS TO DEFENDANTS DIRECT MARKETING CONCEPTS, INC., ITV DIRECT, INC., DONALD W. BARRETT, ROBERT MAIHOS, ALLEN STERN, KING MEDIA, INC, AND TRIAD ML MARKETING, INC., AND RELIEF DEFENDANTS LISA STERN, STEVEN RITCHEY, AND BP INTERNATIONAL, INC.;**

(2) **MEMORANDUM IN SUPPORT OF PLAINTIFF FEDERAL TRADE COMMISSION'S MOTION FOR SUMMARY JUDGMENT AS TO DEFENDANTS DIRECT MARKETING CONCEPTS, INC., ITV DIRECT, INC., DONALD W. BARRETT, ROBERT MAIHOS, ALLEN STERN, KING MEDIA, INC, AND TRIAD ML MARKETING, INC., AND RELIEF DEFENDANTS LISA STERN, STEVEN RITCHEY, AND BP INTERNATIONAL, INC.;**

(3) **FEDERAL TRADE COMMISSION'S RULE 56.1 STATEMENT OF MATERIAL FACTS NOT IN DISPUTE, with Volumes 1 through 8 of exhibits thereto;**

(4) **(Proposed) ORDER AND JUDGMENT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF AGAINST DEFENDANTS DIRECT MARKETING CONCEPTS, INC., ITV DIRECT, INC., DONALD W. BARRETT, AND ROBERT MAIHOS; and**

(5) **(Proposed) ORDER AND JUDGMENT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF AGAINST DEFENDANTS ALLEN STERN, KING MEDIA, INC, AND TRIAD ML MARKETING, INC., AND RELIEF DEFENDANTS LISA STERN, STEVEN RITCHEY, AND BP INTERNATIONAL, INC.**

were served via Federal Express as follows:

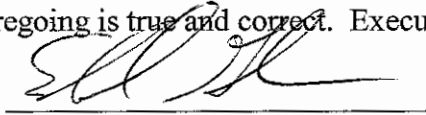
Chris Robertson, Esq. Seyfarth Shaw, LLP World Trade Center East Two Seaport Lane, Suite 300 Boston, MA 02210 Facsimile: (617) 946-4801	(for Direct Marketing Concepts, Inc., ITV Direct, Inc., Donald W. Barrett, and Robert Maihos
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Joseph Ryan Lyne, Woodworth & Evarts LLP 600 Atlantic Avenue Boston, MA 02210 Facsimile: (617) 248-9877	(for Triad ML Marketing, Inc., King Media, Inc., Allen Stern, Lisa Stern, and Steven Ritchey)
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Sage International, Inc.
Attention: Molly Wheeler
1135 Terminal Way, Suite 209
Reno, NV 89502
Facsimile: (775) 786-2013

(for BP International, Inc.)

I declare under penalty of perjury that the foregoing is true and correct. Executed this December 14, 2005 at Washington, D.C.

A handwritten signature in black ink, appearing to read 'E. Glennon', is written over a horizontal line.

Edward Glennon